




State of Wisconsin


LEGISLATIVE REFERENCE BUREAU


RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 02/18/2013 (Per: CMH)

Compile Draft – Appendix B **... Part III**

Appendix A  The 2013 drafting file for LRB-0479

Appendix B  The 2013 drafting file for LRB-1243

Appendix C  The 2013 drafting file for LRB-1248

2013 LRB-1243

has been transferred to the drafting file for

2013 LRB-1485

Part of the compile used to create 2013 AB 40.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1243/P1

TJD:sac: [initials]

In: 2/6/13

TODAY!
Now
(pertains)

RM/R

DOA:.....Iwata, BB0403A – Incorporate changes to the Medical Assistance program under the Patient Protection and Affordable Care Act; mandatory changes and coverage of childless adults and parents/caretakers to 100% FPL

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT *do not gen*; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 *Hawkeye A* SECTION 1. 49.45 (23) (a) of the statutes is amended to read:

3 49.45 (23) (a) The department ~~shall~~ *may* request a waiver from the secretary
4 of the federal department of health and human services to permit the department to

100

before application of the 5 percent income disregard

1 conduct a demonstration project to provide health care coverage for basic primary

2 and preventive care to adults who are under the age of 65, who have family incomes

3 not to exceed ~~200~~ ¹⁰⁰ percent of the poverty line, and who are not otherwise eligible for

4 medical assistance under this subchapter, the Badger Care health care program

5 under s. 49.665, or Medicare under 42 USC 1395 et seq. If the department creates

6 a policy under sub. (2m) (c) 10., this paragraph does not apply to the extent that it

7 conflicts with the policy.

***NOTE: The language in this provision requires DHS to request a waiver. If DHS seeks to have the option to operate BadgerCare Plus Core instead of being required to operate it, the changes made to the language in this draft are necessary.

8 SECTION 2. 49.45 (23) (a) of the statutes, as affected by 2011 Wisconsin Act 32

9 and 2013 Wisconsin Act (this act), is repealed and recreated to read:

10 49.45 (23) (a) The department ^{e shall} ~~may~~ request a waiver from the secretary of the

11 federal department of health and human services to permit the department to

12 conduct a demonstration project to provide health care coverage for basic primary

13 and preventive care to adults who are under the age of 65, who have family incomes

14 not to exceed ~~200~~ ¹⁰⁰ percent of the poverty line, and who are not otherwise eligible for

15 medical assistance under this subchapter, the Badger Care health care program

16 under s. 49.665, or Medicare under 42 USC 1395 et seq.

authored B

17 SECTION 3. 49.45 (23) (b) of the statutes is amended to read:

18 49.45 (23) (b) If the waiver is granted and in effect, the department may

19 promulgate rules defining the health care benefit plan, including more specific

20 eligibility requirements and cost-sharing requirements. Unless otherwise provided

21 by the department by a policy created under sub. (2m) (c), cost sharing may include

22 an annual enrollment fee, which may not exceed \$75 per year. Notwithstanding s.

23 227.24 (3), the plan details under this subsection may be promulgated as an

before application of the 5 percent income disregard under 42 CFR 435.603(d)

plain text - remove
Strike

1 emergency rule under s. 227.24 without a finding of emergency. If the waiver is
2 granted and in effect, the demonstration project under this subsection ~~shall~~ ^{may}
3 begin ~~on January 1, 2009, or on the effective date of the waiver, whichever is later.~~

****NOTE: This provision indicates that if DHS requests a waiver the operation of BadgerCare Plus Core is required. The changes to the language in this draft make operation of BadgerCare Plus Core optional.

4 SECTION 4. 49.45 (23) (b) of the statutes, as affected by 2011 Wisconsin Act 32
5 and 2013 Wisconsin Act (this act), is repealed and recreated to read:

6 49.45 (23) (b) If the waiver is granted and in effect, the department may
7 promulgate rules defining the health care benefit plan, including more specific
8 eligibility requirements and cost-sharing requirements. Cost sharing may include
9 an annual enrollment fee, which may not exceed \$75 per year. Notwithstanding s.
10 227.24 (3), the plan details under this subsection may be promulgated as an
11 emergency rule under s. 227.24 without a finding of emergency. If the waiver is
12 granted and in effect, the demonstration project under this subsection ~~may~~ ^{shall} begin on
13 the effective date of the waiver.

14 SECTION 5. 49.45 (24s) (a)' of the statutes is amended to read:

15 49.45 (24s) (a) The department shall request a waiver from the secretary of the
16 federal department of health and human services to permit the department to
17 provide optional services for family planning, as defined in s. 253.07 (1) (a), under
18 medical assistance, to adults whose income does not exceed 133 percent of the
19 poverty line unless otherwise provided by the department by a policy created under
20 sub. (2m) (c) 10. The department shall implement any waiver granted.

21 SECTION 6. 49.45 (24s) (a)' of the statutes, as affected by 2013 Wisconsin Act
22 (this act) and 2011 Wisconsin Act 32, section 1441bg, is repealed and recreated to
23 read:

1 49.45 (24s) (a) The department shall request a waiver from the secretary of the
2 federal department of health and human services to permit the department to
3 provide optional services for family planning, as defined in s. 253.07 (1) (a), under
4 medical assistance, to adults whose income does not exceed 133 percent of the
5 poverty line. The department shall implement any waiver granted.

6 SECTION 7. 49.46 (1) (a) 15. of the statutes is amended to read:

7 49.46 (1) (a) 15. Any individual who is infected with tuberculosis and meets the
8 income and resource eligibility requirements for the federal Supplemental Security
9 Income program under 42 USC 1381 to 1383d eligibility requirements as determined
10 under the same method as income eligibility is determined for the program under s.
11 49.471.

12 SECTION 8. 49.47 (4) (a) 1. of the statutes is renumbered 49.47 (4) (af) and
13 amended to read:

14 49.47 (4) (af) Under Any individual who is under 21 years of age and resides
15 in an intermediate care facility, skilled nursing facility, or inpatient psychiatric
16 hospital, who meets the limitations on resources under par. (b), (bc), or (bm); who and
17 meets the income requirements as determined under the same method as income
18 eligibility is determined for the program under s. 49.471; and who complies with
19 pars. (cm) and (cr) is eligible for Medical Assistance under this section.

20 SECTION 9. 49.47 (4) (c) 1. of the statutes is amended to read:

21 49.47 (4) (c) 1. Except as provided in par. (am) and as limited by subd. 3.,
22 eligibility exists if income does not exceed 133 1/3% of the maximum aid to families
23 with dependent children payment under s. 49.19 (11) for the applicant's family size
24 or the combined benefit amount available under supplemental security income
25 under 42 USC 1381 to 1383c and state supplemental aid under s. 49.77 whichever

strike lower

1 is ~~higher~~. In this subdivision "income" includes earned or unearned income that
 2 would be included in determining eligibility for the individual or family under s.
 3 49.19 or 49.77, or for the aged, blind or disabled under 42 USC 1381 to 1385. "Income"
 4 does not include earned or unearned income which would be excluded in determining
 5 eligibility for the individual or family under s. 49.19 or 49.77, or for the aged, blind
 6 or disabled individual under 42 USC 1381 to 1385.

Insert 2
5-8

7 SECTION 10. 49.47 (4) (c) 3. of the statutes is repealed.

8 SECTION 11. 49.471 (1) (f) of the statutes is amended to read:

9 49.471 (1) (f) "Family income" means the total gross earned and unearned
 10 income received by all members of a family has the meaning given for "household
 11 income" under 42 CFR 453.603 (d). 35

Insert
5-12

****NOTE: Since "household" is not used in the BadgerCare Plus statute, I cannot create a definition for it. Furthermore, the requirements contained in the federal regulations are more appropriate in a substantive provision. See created section 49.471 (7) (d) in this draft.

12 SECTION 12. 49.471 (4) (a) 1. of the statutes is amended to read:

13 49.471 (4) (a) 1. A pregnant woman whose family income does not exceed 200
 14 133 percent of the poverty line.

Insert
5-15

15 SECTION 13. 49.471 (4) (a) 4. b. of the statutes is amended to read:

16 49.471 (4) (a) 4. b. ~~Except as provided in subd. 4. c., the~~ The individual's family
 17 income does not exceed 200 100 percent of the poverty line and ~~does not include~~
 18 self-employment income. before application of the 5 percent income
disregard under 42 CFR 435.603(d)

19 SECTION 14. 49.471 (4) (a) 4. c. of the statutes is repealed.

20 SECTION 15. 49.471 (4) (a) 5. of the statutes is amended to read:

21 49.471 (4) (a) 5. An individual who, regardless of family income, was born on
 22 or after January 1, ~~1990~~ 1988, and who, on his or her 18th birthday, was in a foster care
 23 placement under the responsibility of a state and enrolled in Medical Assistance

Strike

this

or at the option of the department, under the responsibility
of another state,

or a Medicaid program

1 under this subchapter, as determined by the department. The coverage for an
2 individual under this subdivision ends on the last day of the month in which the
3 individual becomes ~~21~~ 26 years of age, unless he or she otherwise loses eligibility
4 sooner.

***NOTE: Please note that the language in the request for this provision is not the current version of the statute. The current version is amended in this draft as requested.

5 SECTION 16. 49.471 (4) (b) 1. of the statutes is repealed.

6 SECTION 17. 49.471 (4) (b) 1m. of the statutes is repealed.

7 SECTION 18. 49.471 (4) (b) 2. of the statutes is repealed.

8 SECTION 19. 49.471 (4) (b) 3. of the statutes is amended to read:

9 49.471 (4) (b) 3. A child whose family income exceeds 200 percent but does not
10 exceed 300 percent of the poverty line. For a child under this subdivision who is an

11 3m. An unborn child, of a pregnant woman whose income exceeds 133 percent

12 of the federal poverty line, except benefits are limited to prenatal care.

***NOTE: There is no statutory reference in Wisconsin law for CHIP. If CHIP is run as a separate program, then this language should be in a separate section. If CHIP funding is passed through BadgerCare Plus, is this language sufficient to accomplish the intent of the request?

***NOTE: I do not understand the reference in the draft request to the definition of "unborn child." What does "modification" mean? Does it mean to replace the definition or add to the definition? Also, please provide a reference to the federal law or regulation that provides the eligibility criteria for CHIP for an unborn child.

13 SECTION 20. 49.471 (4) (b) 4. (intro.) and a. of the statutes are consolidated,
14 renumbered 49.471 (4) (b) 4. and amended to read:

15 49.471 (4) (b) 4. An individual who satisfies all of the following criteria: a. The
16 individual is a parent or caretaker relative of a child who is living in the home with
17 the parent or caretaker relative or who is temporarily absent from the home for not
18 more than 6 months or, if the child has been removed from the home for more than

but does
not exceed
300 percent

family

200

6 months, the parent or caretaker relative is working toward unifying the family by complying with a permanency plan under s. 48.38 or 938.38.

3 SECTION 21. 49.471 (4) (b) 4. ^(b) of the statutes is repealed.

4 SECTION 22. 49.471 (4) (b) 5. of the statutes is created to read:

5 49.471 (4) (b) 5. An individual who is an adult, who is under 65 years of age,
6 who is not pregnant and does not have children; and whose family income does not
7 exceed 100 percent of the poverty line.

8 SECTION 23. 49.471 (5) (b) 1. of the statutes is amended to read:

9 49.471 (5) (b) 1. Except as provided in sub. (6) (a) 1., a pregnant woman is
10 eligible for the benefits specified in par. (c) during the period beginning on the day
11 on which a qualified provider determines, on the basis of preliminary information,
12 that the woman's family income does not exceed 300 ~~133~~ percent of the poverty line
13 and ending on the applicable day specified in subd. 3.

14 SECTION 24. 49.471 (5) (b) 2. of the statutes is renumbered 49.471 (5) (b) 2.
15 (intro.) and amended to read:

16 49.471 (5) (b) 2. ^(intro.) Except as provided in sub. (6) (a) 2., a child who is not an unborn
17 child is eligible for the benefits described in s. 49.46 (2) (a) and (b) during the period
18 beginning on the day on which a qualified entity determines, on the basis of
19 preliminary information, that the child's family income does not exceed ~~150 percent~~
20 ~~of the poverty line~~ any of the following and ending on the applicable day specified in
21 subd. 3., unless the federal department of health and human services approves the
22 department's request to not extend eligibility to children during this period:

23 SECTION 25. 49.471 (5) (b) 2. a. to c. of the statutes are created to read:

24 49.471 (5) (b) 2. a. 150 percent of the poverty line for a child who is 6 years of
25 age or older but has not yet attained the age of 18. 19

***NOTE: Please confirm that this date range, cutting off at the age of 18, is correct.

b. 185 percent of the poverty line for a child who is one year of age or older but has not yet attained the age of 6.

c. 300 percent of the poverty line for a child who is under one year of age.

SECTION 26. 49.471 (5) (b) 3. a. of the statutes is amended to read:

49.471 (5) (b) 3. a. If the woman or child applies for benefits under sub. (4) within the time required under par. (d), the benefits specified in subd. 1. or 2., whichever is applicable, end on the day on which the department or the county department under s. 46.215, 46.22, or 46.23 determines whether the woman or child is eligible for benefits under sub. (4), except that a child who is not an unborn child is not eligible for benefits described in s. 49.46 (2) (a) and (b) during that time if the federal department of health and human services approves the department's request not to provide those benefits during that time.

SECTION 27. 49.471 (5) (c) 1. of the statutes is renumbered 49.471 (5) (c) and amended to read:

49.471 (5) (c) On behalf of a woman under par. (b) 1. ~~whose family income does not exceed 200 percent of the poverty line~~, the department shall audit and pay allowable charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory prenatal care services under the benefits described in s. 49.46 (2) (a) and (b).

SECTION 28. 49.471 (5) (c) 2. of the statutes is repealed.

SECTION 29. 49.471 (7) (a) of the statutes is repealed.

SECTION 30. 49.471 (7) (b) 1. of the statutes is amended to read:

49.471 (7) (b) 1. ~~A~~ ^{Strike} Eligibility for a pregnant woman whose family income exceeds 300 percent of the poverty line may become eligible for coverage under this section if the difference between the pregnant woman's family income and the

1 applicable income limit under sub. (4) (b) is obligated or expended for any member
2 of the pregnant woman's family for medical care or any other type of remedial care
3 recognized under state law or for personal health insurance premiums or for both.
4 Eligibility obtained under this subdivision continues without regard to any change
5 in family income for the balance of the pregnancy and to the last day of the month
6 in which the 60th day after the last day of the woman's pregnancy falls. Eligibility
7 obtained by a pregnant woman under this subdivision extends to all pregnant
8 women in the pregnant woman's family is determined under the method described
9 in s. 49.47 (4) (c).

Insert
9-10
****NOTE: I was unsure what the instruction to "delete and replace with a reference to 49.47 (4) (c)" meant. Please review the changes to this subdivision and subd. 3. to ensure they comply with your intent.

10 SECTION 31. 49.471 (7) (b) 3. of the statutes is amended to read:

11 49.471 (7) (b) 3. For a pregnant woman to obtain eligibility under subd. 1., the
12 amount that must be obligated or expended in any 6-month period is equal to the
13 sum of the differences in each of those 6 months between the pregnant woman's
14 monthly family income and the monthly family income that is 300 percent of the
15 poverty line. For a child to obtain eligibility under subd. 2., the amount that must
16 be obligated or expended in any 6-month period is equal to the sum of the differences
17 in each of those 6 months between the child's monthly family income and the monthly
18 family income that is 150 percent of the poverty line.

19 SECTION 32. 49.471 (7) (c) of the statutes is repealed.

20 SECTION 33. 49.471 (7) (d) of the statutes is created to read:

21 49.471 (7) (d) For the purpose of determining family income, the department
22 shall apply the regulations defining a household under 42 CFR 435.603 (f). To

determine the family size for a pregnant woman, the department shall include the pregnant woman and the number of babies she is expecting.

SECTION 34. 49.471 (7m) of the statutes is created to read:

49.471 (7m) DEPENDENT CHILDREN. For purposes of determining eligibility for BadgerCare Plus, the department may elect to consider a dependent child to be one of the following:

(a) An individual who is under the age of 18.

(b) An individual who is age 18 and a full-time student in secondary school or equivalent vocational or technical training if before attaining the age of 19 the individual is reasonably expected to complete the school or training.

SECTION 35. 49.471 (8) (d) 1. b. of the statutes is amended to read:

49.471 (8) (d) 1. b. A child described in sub. (4) (a) 2. ~~or (b) 2.~~

SECTION 36. 49.471 (9) (a) 2. b. of the statutes is amended to read:

49.471 (9) (a) 2. b. A child described in sub. (4) (a) 2. ~~or (b) 2.~~

SECTION 37. 49.471 (10) (b) 1. of the statutes is amended to read:

49.471 (10) (b) 1. Except as provided in subd. 4., a recipient who is an adult, who is not a pregnant woman, and whose family income is greater than 150 percent but not greater than 200 percent of the poverty line shall pay a premium for coverage under BadgerCare Plus that does not exceed 5 percent of his or her family income. ~~If the recipient has self-employment income and is eligible under sub. (4) (b) 4., the premium may not exceed 5 percent of family income calculated before depreciation was deducted.~~

SECTION 38. 49.471 (10) (b) 3. of the statutes is amended to read:

49.471 (10) (b) 3. Except as provided in subd. 4., a recipient who is an unborn child, ~~or a pregnant woman eligible under sub. (4) (b) 1.,~~ whose family income is

greater than 200 percent of the poverty line shall pay a premium for coverage of the benefits described in sub. (11) that does not exceed the full per member per month cost of coverage for an adult with a family income of 300 percent of the poverty line.

SECTION 39. 49.471 (10) (b) 4. b. of the statutes is amended to read:

49.471 (10) (b) 4. b. A child who is eligible under sub. (4) (a) 2. ~~or (b) 2.~~

SECTION 40. 49.84 (6) (c) 1. d. of the statutes is amended to read:

49.84 (6) (c) 1. d. A child who is receiving medical assistance under s. 49.46 (1) (a) 13., 49.47 (4) (am) 3., or 49.471 (4) (a) 2. ~~or (b) 2.~~ or an unborn child receiving prenatal care under s. 49.471.

SECTION 9318. Initial applicability; Health Services.

(1) MODIFIED ADJUSTED GROSS INCOME. The treatment of sections 49.46 (1) (a) 15., 49.471 (1) (f) and (7) (a), (b) 1. and 3., (c), and ~~(d)~~ ^(e) and (7m) of the statutes first applies to determinations of renewal eligibility for existing Medical Assistance recipients on the effective date of this subsection.

SECTION 9418. Effective dates; Health Services.

(1) PATIENT PROTECTION AND AFFORDABLE CARE ACT CHANGES. The treatment of sections 49.45 (23) (a) (by SECTION 1) and (b) (by SECTION 3), 49.47 (4) (a) 1. and (c) 1. and 3. and (5) (c) 1., 49.471 (4) (a) 1., 4. b. and c., and 5., and (b) 1., 1m., 2., 3., and 5., (5) (b) 1. and 3. a. and (c) 1. and 2., (7) (d), (7m) (a) and (b), (8) (d) 1. b., (9) (a) 2. b., and (10) (b) 1., 3., and 4. b., and 49.84 (6) (c) 1. d. of the statutes, the repeal of section 49.471 (5) (c) 2. of the statutes, the renumbering and amendment of section 49.471 (5) (b) 2. of the statutes, the consolidation, renumbering, and amendment of section 49.471 (4) (b) 4. (intro.) and a. of the statutes, the amendment of section 49.45 (24s) (a) of the statutes, the repeal and recreation of section 49.45 (24s) (a) of the

1 statutes, and the creation of section 49.471 (5) (b) 2. a., b., and c. of the statutes take
2 effect on January 1, 2014.

3 (2) ~~MODIFIED ADJUSTED GROSS INCOME~~ and The treatment of sections 49.46 (1) (a) 15.,
4 49.47 (4) (a) 1., 49.471 (1) (f), (7) (a), (b) 1. and 3., (c), and (d), and (7m) of the statutes
5 and SECTION 9318 (1) of this act take effect on March 31, 2014.

6 (2) (3) RECONCILIATION WITH 2011 WISCONSIN ACT 32. The treatment of sections 49.45
7 (23) (a) (by SECTION 2) and (b) (by SECTION 4) of the statutes and the repeal and
8 recreation of section 49.45 (24s) (a) of the statutes takes effect on January 1, 2015.

9 (END)

repeal and recreation

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FROM THE
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LRB-1243/P2ins2

TJD:.....

1 INSERT2 5-8

✓

2 **SECTION 1.** 49.47 (4) (j) of the statutes is amended to read:

3 49.47 (4) (j) If the change in the approved state plan under s. 49.46 (1) (am) 2.
4 is denied, the department shall request a waiver from the secretary of the federal
5 department of health and human services to allow the use of federal matching funds
6 to provide medical assistance coverage under par. (am) 1. and 2. to individuals whose
7 family incomes do not exceed ~~185%~~ 133 percent of the poverty line in each state fiscal
8 year after the 1994-95 state fiscal year.

History: 1971 c. 125; 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90, 147, 333; 1977 c. 29 ss. 593, 1656 (18); 1977 c. 105 s. 59; 1977 c. 273, 418; 1979 c. 34; 1981 c. 20, 93; 1981 c. 314 s. 144; 1983 a. 27, 245; 1985 a. 29; 1987 a. 27, 307, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1462k to 1466d, 2909c to 2909i; 1989 a. 173, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 269, 277, 437; 1995 a. 27 ss. 3026 to 3028, 9126 (19); 1995 a. 225, 289, 295; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2005 a. 25, 253; 2007 a. 11, a. 20 ss. 1596 to 1604, 9121 (6) (a); 2009 a. 28, 180; 2011 a. 10, 32.

****NOTE: Section 49.47 (4) (j) seems related to ss. 49.46 (1) (am) and 49.47 (4) (am)
so I thought it might also need to be amended in a similar manner to those provisions.
Please let me know if this is incorrect.

(END INSERT2 5-8)

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FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1243/P2ins
TJD:.....

1 **INSERT 3-14**

2 **SECTION 1.** 49.45 (23) (e) of the statutes is created to read:

3 49.45 (23) (e) The department shall apply the definition of family income under
4 s. 49.471 (1) (f) and the regulations defining household under 42 CFR 435.603 (f) to
5 determinations of income for purposes of eligibility under this subsection.✓

(END INSERT 3-14)

6 **INSERT 4-12**

7 **SECTION 2.** 49.46 (1) (am) 1. a. and b. of the statutes are amended to read:

8 49.46 (1) (am) 1. a. A pregnant woman whose family income, before any income
9 is disregarded under this paragraph, does not exceed, in state fiscal year 1994-95,
10 155% of the poverty line for a family the size of the woman's family; and, in each state
11 fiscal year after the 1994-95 state fiscal year, ~~185%~~ 133 percent of the poverty line
12 for a family the size of the woman's family.

13 b. A child who is under 6 years of age and whose family income, before any
14 income is disregarded under this paragraph, does not exceed, in state fiscal year
15 1994-95, 155% of the poverty line for a family the size of the child's family; and, in
16 each state fiscal year after the 1994-95 state fiscal year, ~~185%~~ 133 percent of the
17 poverty line for a family the size of the child's family.

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 253; 2007 a. 20, 91; 2009 a. 28, 221; 2011 a. 10, 32.

(END INSERT 4-12)

18 **INSERT 4-20**

19 **SECTION 3.** 49.47 (4) (am) 1. and 2. of the statutes are amended to read:✓

49.47 (4) (am) 1. A pregnant woman whose family income does not exceed 155% of the poverty line for a family the size of the woman's family, except that if a waiver under par. (j) or a change in the approved state plan under s. 49.46 (1) (am) 2. is in effect, the income limit is ~~185%~~ 133 percent of the poverty line for a family the size of the woman's family in each state fiscal year after the 1994-95 state fiscal year.

2. A child who is under 6 years of age and whose family income does not exceed 155% of the poverty line for a family the size of the child's family, except that if a waiver under par. (j) or a change in the approved state plan under s. 49.46 (1) (am) 2. is in effect, the income limit is ~~185%~~ 133 percent of the poverty line for a family the size of the child's family in each state fiscal year after the 1994-95 state fiscal year.

History: 1971 c. 125; 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90, 147, 333; 1977 c. 29 ss. 593, 1656 (18); 1977 c. 105 s. 59; 1977 c. 273, 418; 1979 c. 34; 1981 c. 20, 93; 1981 c. 314 s. 144; 1983 a. 27, 245; 1985 a. 29; 1987 a. 27, 307, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1462k to 1466d, 2909c to 2909i; 1989 a. 173, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 269, 277, 437; 1995 a. 27 ss. 3026 to 3028, 9126 (19); 1995 a. 225, 289, 295; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2005 a. 25, 253; 2007 a. 11, a. 20 ss. 1596 to 1604, 9121 (6) (a); 2009 a. 28, 180; 2011 a. 10, 32.

(END INSERT 4-20)

INSERT 5-12

SECTION 4. 49.471 (1) (k) 5. d. of the statutes is created to read:

49.471 (1) (k) 5. d. The mother's family income exceeds 133 percent of the poverty line.

(END INSERT 5-12)

INSERT 5-15

SECTION 5. 49.471 (4) (a) 4. a. of the statutes is amended to read:

49.471 (4) (a) 4. a. The individual is a parent or caretaker relative of a dependent child who is living in the home with the parent or caretaker relative or who is temporarily absent from the home for not more than 6 months or, if the dependent child has been removed from the home for more than 6 months, the parent

1 or caretaker relative is working toward unifying the family by complying with a
2 permanency plan under s. 48.38 or 938.38. For purposes of this subdivision, a
3 “dependent child” means an individual who is under the age of 18 or an individual
4 who is age 18 and a full-time student in secondary school or equivalent vocational
5 or technical training if before attaining the age of 19 the individual is reasonably
6 expected to complete the school or training.

History: 2007 a. 20; 2009 a. 28, 180, 219; 2011 a. 10, 32.

(END INSERT 5-15)

7 INSERT 9-10

8 ^x
SECTION 6. 49.471 (7) (b) 2. of the statutes is amended to read:

9 49.471 (7) (b) 2. A child who is not an unborn child, whose family income
10 exceeds 150 percent of the poverty line, and who is ineligible under this section solely
11 because of sub. (8) (b), or whose family income exceeds 300 percent of the poverty line,
12 may obtain eligibility under this section if the difference between the child’s family
13 income and 150 percent of the poverty line is obligated or expended on behalf of the
14 child or any member of the child’s family for medical care or any other type of
15 remedial care recognized under state law or for personal health insurance premiums
16 or for both. Eligibility obtained under this subdivision during any 6-month period,
17 as determined by the department, continues for the remainder of the 6-month period
18 and extends to all children in the family.

History: 2007 a. 20; 2009 a. 28, 180, 219; 2011 a. 10, 32.

(END INSERT 9-10)

19 INSERT 11-15

20 (a) Determinations of initial applicability for applicants for Medical Assistance
21 made on the effective date of this paragraph.

(b) Determinations of renewal eligibility for recipients of Medical Assistance on the later of the following:

1. April 1, 2014.

2. The actual date of the determination for renewal eligibility for Medical Assistance.

****NOTE: I realize DHS is still looking into my questions about the initial applicability. I will change this provision if their comments indicate I should.

(END INSERT 11-15)

INSERT 11-16

(1) ~~PATIENT PROTECTION AND AFFORDABLE CARE ACT CHANGES.~~ The treatment of sections 49.45 (23) (a) (by SECTION 1), (b) (by SECTION 2), and (e), 49.46 (1) (a) 15. and (am) 1. a. and b., 49.47 (4) (a) 1., (am) 1. and 2., and (c) 1. and 3., 49.471 (1) (f) and (k) 5. d., (4) (a) 1., 4. a., b., and c., and 5. and (b) 1., 1m., 2., 3., 4., (5) (b) 1. and 3. a. and (c) 1. and 2., (7) (a), (b) 1., 2., and 3., (c), and (e), (8) (d) 1. b., (9) (a) 2. b., and (10) (b) 1., 3., and 4. b., and 49.84 (6) (c) 1. d. of the statutes and SECTION 9318 (1) of this act, the renumbering and amendment of section 49.471 (5) (b) 2. of the statutes, and the creation of section 49.471 (5) (b) 2. a. to c. of the statutes take effect on January 1, 2014.

(END INSERT 11-16)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1243/P2

TJD:sac:rs

DOA:.....Iwata, BB0403 – Incorporate changes to the Medical Assistance program under the Patient Protection and Affordable Care Act; mandatory changes and coverage of childless adults and parents/caretakers to 100% FPL

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 49.45 (23) (a) of the statutes is amended to read:

3 49.45 (23) (a) The department shall request a waiver from the secretary of the

4 federal department of health and human services to permit the department to

1 conduct a demonstration project to provide health care coverage for basic primary
2 and preventive care to adults who are under the age of 65, who have family incomes
3 not to exceed ~~200~~ 100 percent of the poverty line before application of the 5 percent
4 income disregard under 42 CFR 435.603 (d), and who are not otherwise eligible for
5 medical assistance under this subchapter, the Badger Care health care program
6 under s. 49.665, or Medicare under 42 USC 1395 et seq. If the department creates
7 a policy under sub. (2m) (c) 10., this paragraph does not apply to the extent that it
8 conflicts with the policy.

9 **SECTION 2.** 49.45 (23) (a) of the statutes, as affected by 2011 Wisconsin Act 32
10 and 2013 Wisconsin Act (this act), is repealed and recreated to read:

11 49.45 (23) (a) The department shall request a waiver from the secretary of the
12 federal department of health and human services to permit the department to
13 conduct a demonstration project to provide health care coverage for basic primary
14 and preventive care to adults who are under the age of 65, who have family incomes
15 not to exceed 100 percent of the poverty line before application of the 5 percent
16 income disregard under 42 CFR 435.603 (d), and who are not otherwise eligible for
17 medical assistance under this subchapter, the Badger Care health care program
18 under s. 49.665, or Medicare under 42 USC 1395 et seq.

19 **SECTION 3.** 49.45 (23) (b) of the statutes is amended to read:

20 49.45 (23) (b) If the waiver is granted and in effect, the department may
21 promulgate rules defining the health care benefit plan, including more specific
22 eligibility requirements and cost-sharing requirements. Unless otherwise provided
23 by the department by a policy created under sub. (2m) (c), cost sharing may include
24 an annual enrollment fee, which may not exceed \$75 per year. Notwithstanding s.
25 227.24 (3), the plan details under this subsection may be promulgated as an

1 emergency rule under s. 227.24 without a finding of emergency. If the waiver is
2 granted and in effect, the demonstration project under this subsection shall begin on
3 January 1, 2009, or on the effective date of the waiver, whichever is later.

4 **SECTION 4.** 49.45 (23) (b) of the statutes, as affected by 2011 Wisconsin Act 32
5 and 2013 Wisconsin Act (this act), is repealed and recreated to read:

6 49.45 (23) (b) If the waiver is granted and in effect, the department may
7 promulgate rules defining the health care benefit plan, including more specific
8 eligibility requirements and cost-sharing requirements. Cost sharing may include
9 an annual enrollment fee, which may not exceed \$75 per year. Notwithstanding s.
10 227.24 (3), the plan details under this subsection may be promulgated as an
11 emergency rule under s. 227.24 without a finding of emergency. If the waiver is
12 granted and in effect, the demonstration project under this subsection shall begin on
13 the effective date of the waiver.

14 **SECTION 5.** 49.45 (23) (e) of the statutes is created to read:

15 49.45 (23) (e) The department shall apply the definition of family income under
16 s. 49.471 (1) (f) and the regulations defining household under 42 CFR 435.603 (f) to
17 determinations of income for purposes of eligibility under this subsection.

18 **SECTION 6.** 49.46 (1) (a) 15. of the statutes is amended to read:

19 49.46 (1) (a) 15. Any individual who is infected with tuberculosis and meets the
20 income and resource eligibility requirements for the federal Supplemental Security
21 Income program under 42 USC 1381 to 1383d eligibility requirements as determined
22 under the same method as income eligibility is determined for the program under s.
23 49.471.

24 **SECTION 7.** 49.46 (1) (am) 1. a. and b. of the statutes are amended to read:

1 49.46 (1) (am) 1. a. A pregnant woman whose family income, before any income
2 is disregarded under this paragraph, does not exceed, in state fiscal year 1994–95,
3 155% of the poverty line for a family the size of the woman’s family; and, in each state
4 fiscal year after the 1994–95 state fiscal year, ~~185%~~ 133 percent of the poverty line
5 for a family the size of the woman’s family.

6 b. A child who is under 6 years of age and whose family income, before any
7 income is disregarded under this paragraph, does not exceed, in state fiscal year
8 1994–95, 155% of the poverty line for a family the size of the child’s family; and, in
9 each state fiscal year after the 1994–95 state fiscal year, ~~185%~~ 133 percent of the
10 poverty line for a family the size of the child’s family.

11 **SECTION 8.** 49.47 (4) (a) 1. of the statutes is renumbered 49.47 (4) (af) and
12 amended to read:

13 49.47 (4) (af) Under Any individual who is under 21 years of age and resides
14 in an intermediate care facility, skilled nursing facility, or inpatient psychiatric
15 hospital and who meets the income requirements as determined under the same
16 method as income eligibility is determined for the program under s. 49.471 is eligible
17 for Medical Assistance under this section.

18 **SECTION 9.** 49.47 (4) (am) 1. and 2. of the statutes are amended to read:

19 49.47 (4) (am) 1. A pregnant woman whose family income does not exceed 155%
20 of the poverty line for a family the size of the woman’s family, except that if a waiver
21 under par. (j) or a change in the approved state plan under s. 49.46 (1) (am) 2. is in
22 effect, the income limit is ~~185%~~ 133 percent of the poverty line for a family the size
23 of the woman’s family in each state fiscal year after the 1994–95 state fiscal year.

24 2. A child who is under 6 years of age and whose family income does not exceed
25 155% of the poverty line for a family the size of the child’s family, except that if a

1 waiver under par. (j) or a change in the approved state plan under s. 49.46 (1) (am)
2 2. is in effect, the income limit is ~~185%~~ 133 percent of the poverty line for a family
3 the size of the child's family in each state fiscal year after the 1994-95 state fiscal
4 year.

5 **SECTION 10.** 49.47 (4) (c) 1. of the statutes is amended to read:

6 49.47 (4) (c) 1. Except as provided in par. (am) ~~and as limited by subd. 3.,~~
7 eligibility exists if income does not exceed 133 1/3% of the maximum aid to families
8 with dependent children payment under s. 49.19 (11) for the applicant's family size
9 or the combined benefit amount available under supplemental security income
10 under 42 USC 1381 to 1383c and state supplemental aid under s. 49.77 whichever
11 is ~~higher~~ lower. In this subdivision "income" includes earned or unearned income
12 that would be included in determining eligibility for the individual or family under
13 s. 49.19 or 49.77, or for the aged, blind or disabled under 42 USC 1381 to 1385.
14 "Income" does not include earned or unearned income which would be excluded in
15 determining eligibility for the individual or family under s. 49.19 or 49.77, or for the
16 aged, blind or disabled individual under 42 USC 1381 to 1385.

17 **SECTION 11.** 49.47 (4) (c) 3. of the statutes is repealed.

18 **SECTION 12.** 49.47 (4) (j) of the statutes is amended to read:

19 49.47 (4) (j) If the change in the approved state plan under s. 49.46 (1) (am) 2.
20 is denied, the department shall request a waiver from the secretary of the federal
21 department of health and human services to allow the use of federal matching funds
22 to provide medical assistance coverage under par. (am) 1. and 2. to individuals whose
23 family incomes do not exceed ~~185%~~ 133 percent of the poverty line in each state fiscal
24 year after the 1994-95 state fiscal year.

****NOTE: Section 49.47 (4) (j) seems related to ss. 49.46 (1) (am) and 49.47 (4) (am) so I thought it might also need to be amended in a similar manner to those provisions. Please let me know if this is incorrect.

1 **SECTION 13.** 49.471 (1) (f) of the statutes is amended to read:

2 49.471 (1) (f) “Family income” ~~means the total gross earned and unearned~~
3 ~~income received by all members of a family~~ has the meaning given for “household
4 income” under 42 CFR 435.603 (d).

 ****NOTE: Since “household” is not used in the BadgerCare Plus statute, I cannot create a definition for it. Furthermore, the requirements contained in the federal regulations are more appropriate in a substantive provision. See created section 49.471 (7) (d) in this draft.

5 **SECTION 14.** 49.471 (1) (k) 5. d. of the statutes is created to read:

6 49.471 (1) (k) 5. d. The mother’s family income exceeds 133 percent of the
7 poverty line.

8 **SECTION 15.** 49.471 (4) (a) 1. of the statutes is amended to read:

9 49.471 (4) (a) 1. A pregnant woman whose family income does not exceed 200
10 133 percent of the poverty line.

11 **SECTION 16.** 49.471 (4) (a) 4. a. of the statutes is amended to read:

12 49.471 (4) (a) 4. a. The individual is a parent or caretaker relative of a
13 dependent child who is living in the home with the parent or caretaker relative or
14 who is temporarily absent from the home for not more than 6 months or, if the
15 dependent child has been removed from the home for more than 6 months, the parent
16 or caretaker relative is working toward unifying the family by complying with a
17 permanency plan under s. 48.38 or 938.38. For purposes of this subdivision, a
18 “dependent child” means an individual who is under the age of 18 or an individual
19 who is age 18 and a full-time student in secondary school or equivalent vocational
20 or technical training if before attaining the age of 19 the individual is reasonably
21 expected to complete the school or training.

1 **SECTION 17.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

2 49.471 (4) (a) 4. b. ~~Except as provided in subd. 4. c., the~~ The individual's family
3 income does not exceed ~~200~~ 100 percent of the poverty line ~~and does not include~~
4 ~~self-employment income before application of the 5 percent income disregard under~~
5 42 CFR 435.603 (d).

6 **SECTION 18.** 49.471 (4) (a) 4. c. of the statutes is repealed.

7 **SECTION 19.** 49.471 (4) (a) 5. of the statutes is amended to read:

8 49.471 (4) (a) 5. An individual who, regardless of family income, was born on
9 or after January 1, ~~1990~~ 1988, and who, on his or her 18th birthday, was in a foster
10 care placement under the responsibility of ~~a~~ this state, or at the option of the
11 department, under the responsibility of another state, and enrolled in Medical
12 Assistance under this subchapter or a Medicaid program, as determined by the
13 department. The coverage for an individual under this subdivision ends on the last
14 day of the month in which the individual becomes ~~21~~ 26 years of age, unless he or she
15 otherwise loses eligibility sooner.

16 **SECTION 20.** 49.471 (4) (b) 1. of the statutes is repealed.

17 **SECTION 21.** 49.471 (4) (b) 1m. of the statutes is repealed.

18 **SECTION 22.** 49.471 (4) (b) 2. of the statutes is repealed.

19 **SECTION 23.** 49.471 (4) (b) 3. of the statutes is amended to read:

20 49.471 (4) (b) 3. A child whose family income exceeds 200 percent but does not
21 exceed 300 percent of the poverty line. ~~For a child under this subdivision who is an~~
22 3m. An unborn child, whose family income exceeds 200 percent but does not
23 exceed 300 percent of the poverty line, except benefits are limited to prenatal care.

24 **SECTION 24.** 49.471 (4) (b) 4. of the statutes is repealed.

25 **SECTION 25.** 49.471 (5) (b) 1. of the statutes is amended to read:

1 49.471 (5) (b) 1. Except as provided in sub. (6) (a) 1., a pregnant woman is
2 eligible for the benefits specified in par. (c) during the period beginning on the day
3 on which a qualified provider determines, on the basis of preliminary information,
4 that the woman's family income does not exceed 300 133 percent of the poverty line
5 and ending on the applicable day specified in subd. 3.

6 **SECTION 26.** 49.471 (5) (b) 2. of the statutes is renumbered 49.471 (5) (b) 2.
7 (intro.) and amended to read:

8 49.471 (5) (b) 2. (intro.) Except as provided in sub. (6) (a) 2., a child who is not
9 an unborn child is eligible for the benefits described in s. 49.46 (2) (a) and (b) during
10 the period beginning on the day on which a qualified entity determines, on the basis
11 of preliminary information, that the child's family income does not exceed ~~150~~
12 percent of the poverty line any of the following and ending on the applicable day
13 specified in subd. 3., unless the federal department of health and human services
14 approves the department's request to not extend eligibility to children during this
15 period:

16 **SECTION 27.** 49.471 (5) (b) 2. a. to c. of the statutes are created to read:

17 49.471 (5) (b) 2. a. 150 percent of the poverty line for a child who is 6 years of
18 age or older but has not yet attained the age of 19.

19 b. 185 percent of the poverty line for a child who is one year of age or older but
20 has not yet attained the age of 6.

21 c. 300 percent of the poverty line for a child who is under one year of age.

22 **SECTION 28.** 49.471 (5) (b) 3. a. of the statutes is amended to read:

23 49.471 (5) (b) 3. a. If the woman or child applies for benefits under sub. (4)
24 within the time required under par. (d), the benefits specified in subd. 1. or 2.,
25 whichever is applicable, end on the day on which the department or the county

1 department under s. 46.215, 46.22, or 46.23 determines whether the woman or child
2 is eligible for benefits under sub. (4), except that a child who is not an unborn child
3 is not eligible for benefits described in s. 49.46 (2) (a) and (b) during that time if the
4 federal department of health and human services approves the department's request
5 not to provide those benefits during that time.

6 **SECTION 29.** 49.471 (5) (c) 1. of the statutes is renumbered 49.471 (5) (c) and
7 amended to read:

8 49.471 (5) (c) On behalf of a woman under par. (b) 1. ~~whose family income does~~
9 ~~not exceed 200 percent of the poverty line,~~ the department shall audit and pay
10 allowable charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory
11 prenatal care services under the benefits described in s. 49.46 (2) (a) and (b).

12 **SECTION 30.** 49.471 (5) (c) 2. of the statutes is repealed.

13 **SECTION 31.** 49.471 (7) (a) of the statutes is repealed.

14 **SECTION 32.** 49.471 (7) (b) 1. of the statutes is amended to read:

15 49.471 (7) (b) 1. ~~A~~ Eligibility for a pregnant woman whose family income
16 exceeds ~~300~~ 133 percent of the poverty line ~~may become eligible for coverage under~~
17 ~~this section if the difference between the pregnant woman's family income and the~~
18 ~~applicable income limit under sub. (4) (b) is obligated or expended for any member~~
19 ~~of the pregnant woman's family for medical care or any other type of remedial care~~
20 ~~recognized under state law or for personal health insurance premiums or for both.~~
21 ~~Eligibility obtained under this subdivision continues without regard to any change~~
22 ~~in family income for the balance of the pregnancy and to the last day of the month~~
23 ~~in which the 60th day after the last day of the woman's pregnancy falls. Eligibility~~
24 ~~obtained by a pregnant woman under this subdivision extends to all pregnant~~

1 women in the pregnant woman's family is determined under the method described
2 in s. 49.47 (4) (c).

3 **SECTION 33.** 49.471 (7) (b) 2. of the statutes is amended to read:

4 49.471 (7) (b) 2. A child who is not an unborn child, whose family income
5 exceeds 150 percent of the poverty line, and who is ineligible under this section solely
6 because of sub. (8) (b), or whose family income exceeds 300 percent of the poverty line,
7 may obtain eligibility under this section if the difference between the child's family
8 income and 150 percent of the poverty line is obligated or expended on behalf of the
9 child or any member of the child's family for medical care or any other type of
10 remedial care recognized under state law or for personal health insurance premiums
11 or for both. Eligibility obtained under this subdivision during any 6-month period,
12 as determined by the department, continues for the remainder of the 6-month period
13 and extends to all children in the family.

14 **SECTION 34.** 49.471 (7) (b) 3. of the statutes is amended to read:

15 49.471 (7) (b) 3. ~~For a pregnant woman to obtain eligibility under subd. 1., the~~
16 ~~amount that must be obligated or expended in any 6-month period is equal to the~~
17 ~~sum of the differences in each of those 6 months between the pregnant woman's~~
18 ~~monthly family income and the monthly family income that is 300 percent of the~~
19 ~~poverty line. For a child to obtain eligibility under subd. 2., the amount that must~~
20 ~~be obligated or expended in any 6-month period is equal to the sum of the differences~~
21 ~~in each of those 6 months between the child's monthly family income and the monthly~~
22 ~~family income that is 150 percent of the poverty line.~~

23 **SECTION 35.** 49.471 (7) (c) of the statutes is repealed.

24 **SECTION 36.** 49.471 (7) (e) of the statutes is created to read:

1 49.471 (7) (e) For the purpose of determining family income, the department
2 shall apply the regulations defining a household under 42 CFR 435.603 (f). To
3 determine the family size for a pregnant woman, the department shall include the
4 pregnant woman and the number of babies she is expecting.

5 **SECTION 37.** 49.471 (8) (d) 1. b. of the statutes is amended to read:

6 49.471 (8) (d) 1. b. A child described in sub. (4) (a) 2. ~~or (b) 2.~~

7 **SECTION 38.** 49.471 (9) (a) 2. b. of the statutes is amended to read:

8 49.471 (9) (a) 2. b. A child described in sub. (4) (a) 2. ~~or (b) 2.~~

9 **SECTION 39.** 49.471 (10) (b) 1. of the statutes is amended to read:

10 49.471 (10) (b) 1. Except as provided in subd. 4., a recipient who is an adult,
11 who is not a pregnant woman, and whose family income is greater than 150 percent
12 but not greater than 200 percent of the poverty line shall pay a premium for coverage
13 under BadgerCare Plus that does not exceed 5 percent of his or her family income.
14 ~~If the recipient has self-employment income and is eligible under sub. (4) (b) 4., the~~
15 ~~premium may not exceed 5 percent of family income calculated before depreciation~~
16 ~~was deducted.~~

17 **SECTION 40.** 49.471 (10) (b) 3. of the statutes is amended to read:

18 49.471 (10) (b) 3. Except as provided in subd. 4., a recipient who is an unborn
19 child, ~~or a pregnant woman eligible under sub. (4) (b) 1.,~~ whose family income is
20 greater than 200 percent of the poverty line shall pay a premium for coverage of the
21 benefits described in sub. (11) that does not exceed the full per member per month
22 cost of coverage for an adult with a family income of 300 percent of the poverty line.

23 **SECTION 41.** 49.471 (10) (b) 4. b. of the statutes is amended to read:

24 49.471 (10) (b) 4. b. A child who is eligible under sub. (4) (a) 2. ~~or (b) 2.~~

25 **SECTION 42.** 49.84 (6) (c) 1. d. of the statutes is amended to read:

1 49.84 (6) (c) 1. d. A child who is receiving medical assistance under s. 49.46 (1)
2 (a) 13., 49.47 (4) (am) 3., or 49.471 (4) (a) 2. ~~or (b) 2.~~ or an unborn child receiving
3 prenatal care under s. 49.471.

4 **SECTION 9318. Initial applicability; Health Services.**

5 (1) MODIFIED ADJUSTED GROSS INCOME. The treatment of sections 49.46 (1) (a) 15.,
6 49.47 (4) (a) 1., 49.471 (1) (f) and (7) (a), (b) 1. and 3., (c), and (e) of the statutes first
7 applies to all of the following:

8 (a) Determinations of initial applicability for applicants for Medical Assistance
9 made on the effective date of this paragraph.

10 (b) Determinations of renewal eligibility for recipients of Medical Assistance
11 on the later of the following:

12 1. April 1, 2014.

13 2. The actual date of the determination for renewal eligibility for Medical
14 Assistance.

 ****NOTE: I realize DHS is still looking into my questions about the initial
applicability. I will change this provision if their comments indicate I should.

15 **SECTION 9418. Effective dates; Health Services.**

16 (1) PATIENT PROTECTION AND AFFORDABLE CARE ACT CHANGES. The treatment of
17 sections 49.45 (23) (a) (by SECTION 1), (b) (by SECTION 3), and (e), 49.46 (1) (a) 15. and
18 (am) 1. a. and b., 49.47 (4) (a) 1., (am) 1. and 2., (c) 1. and 3., and (j), 49.471 (1) (f) and
19 (k) 5. d., (4) (a) 1., 4. a., b., and c., and 5. and (b) 1., 1m., 2., 3., 4., (5) (b) 1. and 3. a.
20 and (c) 1. and 2., (7) (a), (b) 1., 2., and 3., (c), and (e), (8) (d) 1. b., (9) (a) 2. b., and (10)
21 (b) 1., 3., and 4. b., and 49.84 (6) (c) 1. d. of the statutes, the renumbering and
22 amendment of section 49.471 (5) (b) 2. of the statutes, and the creation of section

1 49.471 (5) (b) 2. a. to c. of the statutes and SECTION 9318 (1) of this act take effect on
2 January 1, 2014.

3 (2) RECONCILIATION WITH 2011 WISCONSIN ACT 32. The repeal and recreation of
4 section 49.45 (23) (a) and (b) of the statutes takes effect on January 1, 2015.

5 (END)